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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 THOMAS EDWARD ANDERS (5),
15 Defendant.
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Case No.: 94-cr-0068- JAH

**ORDER DENYING MOTIONS TO
APPOINT COUNSEL [DOC. NO. 303]
AND FOR REDUCTION OF
SENTENCE [DOC. NOS. 297]**

18 Pending before the Court is Defendant's motion for reduction of sentence pursuant
19 to 18 U.S.C. section 3582 (doc. no. 297) and motion for appointment of counsel (doc. no.
20 303). Defendant filed a motion for status and supplemental briefing. *Doc. Nos.* 307, 350.
21 The United States filed a response in opposition. *Doc. No.* 309. Defendant moves for a
22 reduction of his sentence based upon Amendment 782, which revised the guidelines
23 applicable to drug offenses by reducing the offense levels for drug and chemical quantities.

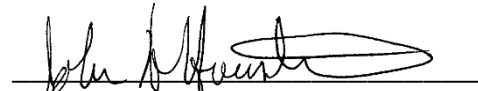
24 Defendant was found guilty for conspiracy to distribute methamphetamine (Count
25 1), aiding and abetting possession of methamphetamine with intent to distribute (Counts 4
26 and 5), and use and carry of a firearm during the commission of a drug trafficking crime
27 (Count 6). This Court sentenced Defendant to a 360 month term of imprisonment on
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1 Counts 1, 4, and 5 to run concurrent and a 60 month term on Count 6 to run consecutive to
2 all other counts for a total imprisonment term of 420 months.

3 Defendant concedes in the supplemental briefing that his criminal history category
4 remains at a VI, but asks the Court to consider his multiple accomplishments and positive
5 life-changes since the commencement of his sentence. While Defendant's progress is
6 commendable, it is not grounds on which this Court may grant a motion for reduction of
7 sentence pursuant to 18 U.S.C. section 3582. Defendant was sentenced as a career offender
8 pursuant to section 4B1.1, and, therefore, is not entitled to a sentence reduction based upon
9 the amendment of section 2D1.1. *See United States v. Wesson*, 583 F.3d 728, 731 (9th Cir.
10 2009).

11 Accordingly, IT IS HEREBY ORDERED Defendant's motions for reduction of
12 sentence and appointment of counsel are **DENIED**.

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14 DATED: October 4, 2018


HON. JOHN A. HOUSTON
UNITED STATES DISTRICT JUDGE